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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 TIMOTHY LEROY WILLIAMS,

Case No. 3:18-cv-00116-MMD-WGC

10 Petitioner,

ORDER

11 v.

12 BRIAN E. WILLIAMS, *et al.*,

13 Respondents.

14 Petitioner has filed a habeas petition under 28 U.S.C. § 2254 without properly
15 commencing the action by paying the filing fee or filing a pauper application. Although
16 petitioner submitted a financial certificate and an inmate account statement, attachments
17 that must be included with an *in forma pauperis* application, he did not submit the
18 application itself. LSR 1-1.

19 It does not appear that a dismissal without prejudice would materially impact the
20 application of the limitation period in a promptly filed new action or otherwise cause
21 substantial prejudice.¹

22 This improperly commenced action therefore will be dismissed without prejudice.

23 It therefore is ordered that this action is dismissed without prejudice. Petitioner
24 must refile his petition, and either pay the filing or fee or submit a complete pauper
25 application, in a new action only, and will not file any more documents in this case.

26
27 ¹The record reflects that state postconviction proceedings related to the instant
28 petition have not yet concluded. (See ECF No. 1-1 at 90 (Nevada Court of Appeals order
dismissing petitioner's appeal on the grounds that the trial court had not yet entered a
final order on petitioner's habeas petition)).


1 It further is ordered that a certificate of appealability is denied. Jurists of reason
2 would not find debatable whether the Court was correct in its dismissal of the action
3 without prejudice on procedural grounds, for the reasons discussed herein.

4 It further is ordered, pursuant to Rule 4 of the Rules Governing Section 2254
5 Cases, that the Clerk make informal electronic service upon respondents by adding
6 Nevada Attorney General Adam P. Laxalt as counsel for respondents and directing a
7 notice of electronic filing of this order to his office. No response is required from
8 respondents other than to respond to any orders of a reviewing court.

9 It is further ordered that the Clerk of Court send petitioner a copy of all his papers
10 in this action, along with copies of the forms and instructions for an inmate pauper
11 application and habeas petition.

12 It is further ordered that the Clerk of Court enter final judgment accordingly,
13 dismissing this action without prejudice.

14 DATED THIS 19th day of March 2018.

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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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